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| 09/317,434      | 05/24/1999  | SUSUMU KOBAYASHI     | 500.37238X00        | 9103             |

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EXAMINER

LE, DEBBIE M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2177

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/317,434

Applicant(s)

KAMEGI ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kleewein et al (US Patent 6,105,017).

As per claim 1, Kleewein discloses a deferring large object retrievals from a remote database comprising:

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a first process of enabling a database server operating at a server to store data (fig. 1, # 22) processed on a database from said database, in response to a request of a program operating at a client (fig. 1, # 18) to a common storage device (fig. 1, # 24) which is shared, through a network (the arrow connects between local computer # 18 application # 19 and I/O # 16 of fig. 1, col. 4, lines 3-4) between said client and said server other than a storage device to which said database is stored (fig. 1, # 22), and to respond to said request by transmitting an identifying information which identifies a storage area of said data stored on said common storage device to said program (fig. 1, # 40, # 42, col. 5, lines 14-55); and

a second process of enabling said program to refer to said common storage area based on said identifying information of said stored data, to obtain said stored data (figs. 2a-b, col. 5, lines 30-55).

As per claim 2, Kleewein teaches:

a third process of enabling said database server to create a storage area identifying information for identifying the area on said storage device to which said data is outputted (col. 3, lines 39-40, col. 4, lines 55-56);

a fourth process of notifying said program of said storage area identifying information from said database server, and a fifth process of enabling said program to refer to the area on said storage device using said storage identifying information obtained by said notification to obtain said data (col. 5, lines 43-67).

As per claim 3, Kleewein teaches:

a sixth process of enabling said program to request an execution of a function defined in said database, a seventh process of enabling said database server to execute said function according to a request from said program, an eighth process of enabling said function to create a storage area identifying information of said storage device to which said data is outputted, a ninth process of enabling said function to output said data to said storage area; and a tenth process of enabling said function to notify said database server of said storage area identifying information (col. 6, lines 12-67).

As per claim 5, Kleewein teaches:

a process of enabling said program to refer to said storage device to which said data is outputted by said database server, at the same node as a node where said database server is in operation to obtain said data (col. 5, lines 39-55).

As per claim 6, Kleewein teaches:

first means for enabling a database server (fig. 1, # 22) operating in a server to output to a file said massive amount of data processed on a database from said database through a network (the arrow connects between local computer # 18 application # 19 and I/O # 16, col. 4, lines 3-4) to a file connected thereto, in response to a request of a program operating in a client (fig. 1, # 18, col. 4, lines 5-7), said file being at a common storage device (fig. 1, # 24) which is shared through a network (the arrow connects between local computer # 18 application # 19 and I/O # 16 of fig. 1, col. 4, lines 3-4) between said client and said server other than a storage device at which said database is stored (fig. 1, # 22), and to respond to said request by transmitting

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identifying information which identifies said file on said common storage device to said program (fig. 1, # 40, # 42, col. 5, lines 14-55);

and second means for enabling said program to refer to said file where said massive amount of data is outputted from said common storage area by said first means and based on said identifying information, to obtain said massive amount of data (figs. 2a-b, col. 5, lines 30-55).

As per claim 7, Kleewein teaches:

means of enabling said database server to create a file identifying information for identifying said file where said massive amount of data is outputted, means of notifying said program of said file identifying information from said database server, and means of enabling said program to refer to said file by using said file identifying information obtained by said notification, to obtain said massive amount of data (col. 5, lines 43-67).

Claim 8 is rejected by the same rationale as stated in independent claim 6 argument.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleewein et al (US Patent 6,105,017) in view of Lu et al (Dynamic and Load-balanced Task-Oriented Database Query Processing in Parallel Systems).

As per claim 4, Kleewein does not explicitly teach a process of enabling plural processes, which has a parallel database arrangement and executes a database process in parallel, to output said data to said storage device in parallel. However, Lu teaching processing in parallel database system. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a process of enabling plural processes in a parallel database as disclosed by Lu's system in order to speed up process and to achieve any significant break through in performance.

***Response to Arguments***

Applicant's arguments filed on 6/10/03 have been fully considered but they are not persuasive.

Applicant argued that the memory 24 is not shared between the client and the server through a network.

In response, the examiner respectfully disagrees. Examiner attaches an Appendix A, which is a modified figure 1 of Kleewein ('017). As shown, client (# 18/19) connects to the memory (24) and server (CPU 20) through a network (the arrow connects between local computer # 18 application # 19 and I/O # 16 of fig. 1).

***Conclusion***

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



DEBBIE M LE  
Examiner  
Art Unit 2177

Debbie Le  
June 24, 2003



GRETA ROBINSON  
PRIMARY EXAMINER